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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

UNITED STATES BANKRUPTCY COURT
Northern District of California
U.S. Courthouse and Federal Building
280 South First Street, Room 3035
San Jose, California 95113-3099
(408) 535-5118

FILED

NOV 29 2007

CLERK
United States Bankruptcy Court
San Jose, California

Gloria L. Franklin
Clerk of Court

Richard W. Wieking, Clerk
United States District Court
280 South First Street
San Jose, CA 95113

OC07 05758RMW

Re: Case Name: *The Billing Resource, dba Integretel, a California Corp.*
Case Number: 07-52890-ASW / Adversary Proceeding 07-5156
Bankruptcy Judge Name: Arthur S. Weissbrodt

Dear Mr. Wieking:

[] Enclosed please find the notice of appeal, certified copy of the docket and order being appealed and related papers from BAP and designated items to form the record on appeal for assignment to a district court judge.

[X] Enclosed please find a conformed copy of the notice of appeal, election to district court document, as well as a certified copy of the docket and order being appealed for assignment to a district court judge.


[] Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.

[] Enclosed please find a Bankruptcy Judge's Recommendation that Appeal Be Dismissed and the Notice of Appeal and associated documents filed with the Bankruptcy Court.

Please acknowledge receipt of this appeal by stamping the district court case number on a copy of this letter and return it to Angela Wong.

Gloria L. Franklin, Clerk
United States Bankruptcy Court

Dated: November 29, 2007

By: 
Angela Wong, Deputy Clerk

1 WILLIAM BLUMENTHAL
General Counsel

2 JOHN ANDREW SINGER
3 MICHAEL P. MORA
JULIE A. MACK
4 Federal Trade Commission
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5 Washington, DC 20580
Telephone: (202) 326-3234; 3373; 2312
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7 mmora@ftc.gov
jmack@ftc.gov

8 ATTORNEYS FOR
9 FEDERAL TRADE COMMISSION

10 UNITED STATES BANKRUPTCY COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION

13 IN RE

14 THE BILLING RESOURCE, dba Integretel, a
California corporation,

15 Debtor

17 THE BILLING RESOURCE, dba INTEGRETTEL,
18 a California corporation,

19 Plaintiff,

20 v.

21 FEDERAL TRADE COMMISSION, and DAVID
22 R. CHASE, not individually, but solely in his
capacity as receiver for Nationwide Connections,
23 Inc., Access One Communications, Inc., Network
One Services, Inc., 411TXT, Inc.,
24 CELL-INFOUSA, INC., Enhanced Billing
Services, Inc., Toll Free Connect, Inc., Cripple
25 Creek Holdings, LLC, Built to Last, LLC, Not
Fade Away, LLC, He's Gone, LLC, The Other
26 One, LLC, Turn on Your Love Light, LLC, China
Cat Sunflower, LLC, Lazy River Road Holdings,
LLC,

27 Defendant.
28

FILED

NOV 28 2007

CLERK
United States Bankruptcy Court
San Jose, California

Case No. 07-52890
Chapter 11

Adv. Pro. No. 07-05156

FEDERAL TRADE
COMMISSION'S NOTICE OF
APPEAL

1 NOTICE IS HEREBY GIVEN that the FEDERAL TRADE COMMISSION appeals
2 under 28 U.S.C. § 158(a) from the order of the United States Bankruptcy Court for the Northern
3 District of California entitled, "Order Granting Motion for Preliminary Injunction," which was
4 first issued after a hearing on November 26, 2007, and then amended after a further hearing on
5 November 27, 2007. At the November 27 hearing, the Bankruptcy Court read into the record
6 clarified findings of fact and conclusions of law, and announced that it would issue the same
7 injunction order with a minor amendment referring to the November 27 hearing. The
8 Bankruptcy Court also entered a memo on the docket on November 27 indicating that the Court
9 issued an amended injunction, but the amended order itself has not been entered on the docket as
10 of the filing of this Notice.

11 This appeal is related to an appeal filed by the Federal Trade Commission of a
12 preliminary injunction order previously entered by the Bankruptcy Court in this same Adversary
13 Proceeding on November 8, 2007, now pending before the United States District Court for the
14 Northern District of California. *The Billing Resource v. Federal Trade Commission*, No. C-07-
15 05758 RMW.

16 A true and correct copy of the order issued by the Court on November 26 is attached
17 hereto as Exhibit A. The names of all parties to the order appealed from and the names,
18 addresses, telephone and fax numbers, and email addresses of their respective attorneys are as
19 follows:
20

21 Counsel to the Federal Trade Commission

22 John Andrew Singer

23 Michael P. Mora

24 Julie A. Mack

25 Attorneys for Federal Trade Commission

26 600 Pennsylvania Avenue, N.W.

27 Washington, D.C. 20580

28 (Tel) (202) 326-3234; 3373; 2312

(Fax) (202) 326-2477

(Email) jsinger@ftc.gov

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1 Counsel to Debtor

2 The Billing Resource, dba Integretel,

3 a California corporation

4 Michael H. Ahrens, Esquire

5 Jeffrey K. Rehfeld, Esquire

6 Steven B. Sacks, Esquire

7 Sheppard, Mullin, Richter and Hampton

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9 San Francisco, CA 94111

10 (Tel) (415) 434-9100

11 (Fax) (415) 434-3947

12 (Email) mahrens@sheppardmullin.com

13 jrehfeld@sheppardmullin.com

14 ssacks@sheppardmullin.com

15 Counsel to Florida District Court Receiver, David R. Chase

16 Howard Kollitz, Esquire

17 Walter K. Oetzell, Esquire

18 Steven J. Schwartz, Esquire

19 Danning, Gill, Diamond & Kollitz, LLP

20 2029 Century Park East, Third Floor

21 Los Angeles, California 90067-2904

22 (Tel) (310) 277-0077

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24 (Email) sschwartz@dgdk.com

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1 Counsel to Florida District Court Receiver

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2 Michelle C. Visiedo-Hildago, Esquire

Tew Cardenas LLP

3 Four Seasons Tower, Fifteenth Floor

1441 Brickell Avenue

4 Miami, Florida 33131

(Tel) (305) 536-1112

(Fax) (305) 536-1116

5 (Email) jcs@tew.law

6 mtv@tew.law

7
8 Dated: November 28, 2007

Respectfully submitted,

9
10 WILLIAM BLUMENTHAL
General Counsel

11
12 /s/ Michael P. Mora
JOHN ANDREW SINGER
13 MICHAEL P. MORA
JULIE A. MACK
14 Federal Trade Commission
600 Pennsylvania Avenue, N.W.
15 Room 2122
Washington, DC 20580
16 Telephone: (202) 326-3234; 3373; 2312
Facsimile: (202) 326-2558
17 Email: jsinger@ftc.gov
18 mmora@ftc.gov
jmack@ftc.gov

19 ATTORNEYS FOR
20 FEDERAL TRADE COMMISSION
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

1. My name is Michael P. Mora. I am an attorney with the Federal Trade Commission, an interested party in this matter. My business address is 600 Pennsylvania Avenue, N.W., Room 2122, Washington, DC 20580.

2. A true and correct copy of the forgoing APPELLANT FEDERAL TRADE COMMISSION'S NOTICE OF APPEAL will be served on November 28, 2007, by causing it to be sent via U.S. mail from Washington, DC, to the attached Service List.

3. The following also were served on November 28, 2007, by Electronic Noticing pursuant to Section 10 of this Court's Amended Operating Order and Local Rule 9013-3(c) on each Registered Participant as follows:

Michael H. Ahrens mahrens@sheppardmullin.com
Ori Katz okatz@sheppardmullin.com, dwhitehead@sheppardmullin.com
Jeffrey K. Rehfeld jrehfeld@sheppardmullin.com, ewalters@sheppardmullin.com
Steven B. Sacks ssacks@sheppardmullin.com, ewalters@smrh.com
Steven J. Schwartz sschwartz@dgdk.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 28, 2007, at Washington, DC.

/s/ Michael P. Mora

SERVICE LIST

Debtor

The Billing Resource
5883 Rue Ferrari
San Jose, California 95138

Counsel to Debtor

The Billing Resource, dba Integretel,
a California corporation
Michael H. Ahrens, Esquire
Jeffrey K. Rehfeld, Esquire
Steven B. Sacks, Esquire
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Counsel to Florida District Court Receiver

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Counsel to Florida District Court Receiver

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Michelle C. Visiedo-Hildago, Esquire
Tew Cardenas LLP
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1441 Brickell Avenue
Miami, Florida 33131

Receiver in Case No. 06-80180-CIV-RYSKAMP

U.S. District Court for the Southern District of Florida
David R. Chase, Esquire
Wachovia Center - Penthouse
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Hollywood, Florida 33020

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1 Counsel for POL

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2 Diemer, Whitman and Cardosi

75 E. Santa Clara Street

3 San Jose, CA 95113

4 Office of the U.S. Trustee

5 Sara L. Kisler, Acting U.S. Trustee
for Region 17

6 Office of the U.S. Trustee / SJ

U.S. Federal Bldg.

7 280 South 1st Street, #268

San Jose, California 95113-3004

EXHIBIT "A"

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

A Limited Liability Partnership
Including Professional Corporations

MICHAEL H. AHRENS,

Cal. Bar No. 44766

STEVEN B. SACKS,

Cal. Bar No. 98875

JEFFREY K. REHFELD,

Cal. Bar No. 188128

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Facsimile: 415-434-3947

Attorneys for The Billing Resource, dba
Integretel

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
[SAN JOSE DIVISION]

In re

THE BILLING RESOURCE, dba
INTEGRETEL, a California corporation,

Debtor.

THE BILLING RESOURCE, dba
INTEGRETEL, a California corporation,

Plaintiff,

v.

FEDERAL TRADE COMMISSION, and
DAVID R. CHASE, not individually, but
solely in his capacity as receiver for
Nationwide Connections, Inc., Access One
Communications, Inc., Network One Services,
Inc., 411TXT, Inc., CELL-INFO-USA, INC.,
Enhanced Billing Services, Inc., Toll Free
Connect, Inc., Cripple Creek Holdings, LLC,
Built to Last, LLC, Not Fade Away, LLC, He's
Gone, LLC, The Other One, LLC, Turn on
Your Love Light, LLC, China Cat Sunflower,
LLC, Lazy River Road Holdings, LLC,

Defendant.

FILED

NOV 26 2007

CLERK
United States Bankruptcy Court
San Jose, California
The following constitutes the
Order of the Court. Signed 11/26 2007

Arthur S. Weissbrodt
HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

Case No. 07-52890

Chapter 11

Adv. Proc. No. 07-05156

**ORDER GRANTING MOTION FOR
PRELIMINARY INJUNCTION**

Date: November 26, 2007

Time: 10:00 a.m.

Court: Room 3020, Hon. Arthur Weissbrodt

On November 26, 2007, the Court having previously issued a temporary restraining order and an order to show cause re preliminary injunction, held a hearing in connection with the motion filed by The Billing Resource, dba Integretel ("Integretel"), for a preliminary injunction against the Federal Trade Commission ("FTC") and David R. Chase, not individually, but solely in his capacity as receiver (the "Receiver"), preventing them from enforcing as to Integretel that certain Omnibus Order entered on the docket on September 14, 2007 (the "Omnibus Order") in that certain action captioned Federal Trade Commission v. Nationwide Connections, Inc., et al., Case No. 06-80180-Civ-Ryskamp (the "Florida Action") pending in the United States District Court for the Southern District of Florida (the "Florida Court") and that certain Order Granting Motion for Clarification as to Scope of Stay entered on the docket by the Florida Court in the Florida Action on September 21, 2007 (the "Clarification Order"), insofar as the Clarification Order relates to the Omnibus Order. Appearances were as stated on the record. The Court incorporates herein its Memorandum Decision re Order to Show Cause Regarding Preliminary Injunction filed and entered on November 2, 2007 and further stated its findings of fact and conclusions of law on the record at the hearings it held on November 16, 2007, November 21, 2007 and November 26, 2007.

GOOD CAUSE APPEARING, it is hereby ordered as follows:

The FTC and the Receiver, and their officers, agents, servants, employees and attorneys and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, are hereby restrained and enjoined until further order of this Court from seeking to implement or enforce in the Florida Court as to Integretel the Omnibus Order or the Clarification Order, as it relates to the Omnibus Order, including without limitation initiating, suggesting or participating in any proceedings to hold Integretel in contempt in connection therewith, or otherwise seeking to compel Integretel to transfer any money or property to the Receiver. The preliminary injunction issued herein does not affect or restrain the parties from prosecuting and responding to appeals filed by Integretel from orders issued by the Florida Court. The Court further orders that the Receiver shall submit any status reports that pertain to Integretel to the Florida Court jointly with Integretel.

* See Exhibit "A"

W02-WEST:SSS1400329214.3

ORDER GRANTING MOTION FOR PRELIMINARY
INJUNCTION RE: ENFORCING OMNIBUS ORDER

1 Integretel is directed that it shall continue to maintain the sum of \$1,762,762.56 in the
2 blocked interest-bearing Debtor in Possession account to which they were transferred pursuant to
3 the terms and conditions of this Court's prior order entered on October 3, 2007, without prejudice
4 to the claims, rights, or defenses of any party, until further order of this Court.

5 ** END OF ORDER **
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EXHIBIT A

The Court also relies on Christopher Village, L.P. v. United States, 360 F.3d 1319 (Fed. Cir. 2004), previously referenced by this Court. In Christopher Village, the Federal Circuit held that the Court of Federal Claims had exclusive jurisdiction to adjudicate a breach of contract claim notwithstanding the fact that a district court and the Fifth Circuit had previously asserted jurisdiction over those claims. The Federal Circuit acknowledged the general rule that in most circumstances a judgment may not be collaterally attacked on the ground that the original tribunal lacked subject matter jurisdiction, even if the issue of subject matter jurisdiction has not been litigated in the first action. However, the Federal Circuit held that in an exception to that general rule includes situations where "[a]llowing the judgment to stand would substantially infringe the authority of another tribunal or agency of government," quoting Restatement (Second) of Judgments § 12(2) (1982), and citing to In re Bulldog Trucking, Inc. v. Productive Transp. Servs., Inc., 147 F.3d 347, 354 (4th Cir. 1998) and Sterling v. United States, 85 F.3d 1225, 1231 (7th Cir. 1996). Christopher Village, 360 F.3d at 1329-30. Here, under Christopher Village, where this Court has exclusive jurisdiction over determining what constitutes property of the bankruptcy estate, allowing the Clarification Order to determine Debtor's rights in property of the estate would both substantially infringe the authority of this Court and irreparably damage the Debtor and the Debtor's estate.

1 WILLIAM BLUMENTHAL
General Counsel

2 JOHN ANDREW SINGER
3 MICHAEL P. MORA
JULIE A. MACK
4 Federal Trade Commission
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jmack@ftc.gov

8 ATTORNEYS FOR
9 FEDERAL TRADE COMMISSION

10
11 UNITED STATES BANKRUPTCY COURT
12 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

13 IN RE

14 THE BILLING RESOURCE, dba Integretel, a
15 California corporation,

16 Debtor

17
18 THE BILLING RESOURCE, dba INTEGRETTEL,
a California corporation,

19 Plaintiff,

20 v.

21 FEDERAL TRADE COMMISSION, and DAVID
22 R. CHASE, not individually, but solely in his
capacity as receiver for Nationwide Connections,
23 Inc., Access One Communications, Inc., Network
One Services, Inc., 411TXT, Inc.,
24 CELL-INFOUSA, INC., Enhanced Billing
Services, Inc., Toll Free Connect, Inc., Cripple
25 Creek Holdings, LLC, Built to Last, LLC, Not
Fade Away, LLC, He's Gone, LLC, The Other
26 One, LLC, Turn on Your Love Light, LLC, China
Cat Sunflower, LLC, Lazy River Road Holdings,
27 LLC,

28 Defendant.

FILED

NOV 28 2007

CLERK
United States Bankruptcy Court
San Jose, California

Case No. 07-52890
Chapter 11

Adv. Pro. No. 07-05156

APPELLANT FEDERAL TRADE
COMMISSION'S STATEMENT
OF ELECTION TO HAVE
APPEAL HEARD BY DISTRICT
COURT

1 Pursuant to 28 U.S.C. § 158(c)(1) and Fed. R. Bankr. P. 8001(e), Appellant Federal Trade
2 Commission (the "FTC") hereby elects to have its appeal from the Bankruptcy Court order
3 entitled "Order Granting Motion for Preliminary Injunction," which was first issued after a
4 hearing on November 26, 2007, and then amended after a further hearing on November 27, 2007,
5 heard by the United States District Court for the Northern District of California. At the
6 November 27 hearing, the Bankruptcy Court read into the record clarified findings of fact and
7 conclusions of law, and announced that it would issue the same injunction order with a minor
8 amendment referring to the November 27 hearing. The Bankruptcy Court also entered a memo
9 on the docket on November 27 indicating that the Court issued an amended injunction, but the
10 amended order itself has not been entered on the docket as of the filing of this Statement of
11 Election.
12

13 This appeal is related to an appeal filed by the Federal Trade Commission of a
14 preliminary injunction order previously entered by the Bankruptcy Court in this same Adversary
15 Proceeding on November 8, 2007, now pending before the United States District Court for the
16 Northern District of California. *The Billing Resource v. Federal Trade Commission*, No. C-07-
17 05758 RMW.

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1 Notice of the FTC's foregoing appeal is being filed concurrently with this Statement of
2 Election.

3
4 Dated: November 28, 2007

Respectfully submitted,

5 WILLIAM BLUMENTHAL
6 General Counsel

7 /s/ Michael P. Mora
8 JOHN ANDREW SINGER
9 MICHAEL P. MORA
10 JULIE A. MACK
11 Federal Trade Commission
12 600 Pennsylvania Avenue, N.W.
13 Room 2122
14 Washington, DC 20580
15 Telephone: (202) 326-3234; 3373; 2312
16 Facsimile: (202) 326-2558
17 Email: jsinger@ftc.gov
18 mmora@ftc.gov
19 jmack@ftc.gov

20 ATTORNEYS FOR
21 FEDERAL TRADE COMMISSION
22
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25
26
27
28

CERTIFICATE OF SERVICE

1
2 1. My name is Michael P. Mora. I am an attorney with the Federal Trade
3 Commission, an interested party in this matter. My business address is 600 Pennsylvania
4 Avenue, N.W., Room 2122, Washington, DC 20580.

5 2. A true and correct copy of the forgoing APPELLANT FEDERAL TRADE
6 COMMISSION'S STATEMENT OF ELECTION TO HAVE APPEAL HEARD BY DISTRICT
7 COURT will be served on November 28, 2007, by causing it to be sent via U.S. mail from
8 Washington, DC, to the Attached Service List.

9 The following also were served on November 28, 2007, by Electronic Noticing pursuant
10 to Section 10 of this Court's Amended Operating Order and Local Rule 9013-3(c) on each
11 Registered Participant as follows:

12 Michael H. Ahrens mahrens@sheppardmullin.com
13 Ori Katz okatz@sheppardmullin.com, dwhitehead@sheppardmullin.com
14 Jeffrey K. Rehfeld jrehfeld@sheppardmullin.com, ewalters@sheppardmullin.com
15 Steven B. Sacks ssacks@sheppardmullin.com, ewalters@smrh.com
Steven J. Schwartz sschwartz@dgd.com

16 I declare under penalty of perjury under the laws of the United States of America that the
17 foregoing is true and correct.

18 Executed on November 28, 2007, at Washington, DC.

19
20 /s/ Michael P. Mora
21
22
23
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26
27
28

SERVICE LIST

Debtor

The Billing Resource
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San Jose, California 95138

Counsel to Debtor

The Billing Resource, dba Integretel,
a California corporation
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Jeffrey K. Rehfeld, Esquire
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Walter K. Oetzell, Esquire
Steven J. Schwartz, Esquire
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Counsel to Florida District Court Receiver

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Michelle C. Visiedo-Hildago, Esquire
Tew Cardenas LLP
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Miami, Florida 33131

Receiver in Case No. 06-80180-CIV-RYSKAMP
U.S. District Court for the Southern District of Florida

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Hollywood, Florida 33020

Counsel to Unsecured Creditors' Committee

John D. Fiero, Esquire
Pachulski, Stang, Ziehl, Young and Jones
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Law Offices of Joel Dichter, Esq.
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1 Counsel for POL

Kathryn S. Diemer

2 Diemer, Whitman and Cardosi

75 E. Santa Clara Street

3 San Jose, CA 95113

4 Office of the U.S. Trustee

5 Sara L. Kisler, Acting U.S. Trustee
for Region 17

6 Office of the U.S. Trustee / SJ

U.S. Federal Bldg.

7 280 South 1st Street, #268

San Jose, California 95113-3004

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP

A Limited Liability Partnership
Including Professional Corporations

MICHAEL H. AHRENS,

Cal. Bar No. 44766

STEVEN B. SACKS,

Cal. Bar No. 98875

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Cal. Bar No. 188128

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Facsimile: 415-434-3947

Attorneys for The Billing Resource, dba
Integretel

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
[SAN JOSE DIVISION]

In re

THE BILLING RESOURCE, dba
INTEGRETEL, a California corporation,

Debtor.

THE BILLING RESOURCE, dba
INTEGRETEL, a California corporation,

Plaintiff,

v.

FEDERAL TRADE COMMISSION, and
DAVID R. CHASE, not individually, but
solely in his capacity as receiver for
Nationwide Connections, Inc., Access One
Communications, Inc., Network One Services,
Inc., 411TXT, Inc., CELL-INFO-USA, INC.,
Enhanced Billing Services, Inc., Toll Free
Connect, Inc., Cripple Creek Holdings, LLC,
Built to Last, LLC, Not Fade Away, LLC, He's
Gone, LLC, The Other One, LLC, Turn on
Your Love Light, LLC, China Cat Sunflower,
LLC, Lazy River Road Holdings, LLC,

Defendant.

FILED

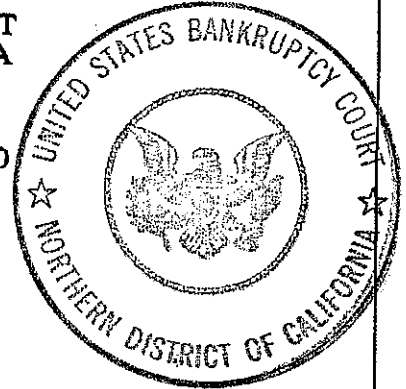
NOV 26 2007

CLERK
United States Bankruptcy Court
San Jose, California
The following constitutes the
Order of the Court. Signed 11/26 2007

Arthur S. Weissbrodt
HON. ARTHUR S. WEISSBRODT
United States Bankruptcy Judge

Case No. 07-52890

Chapter 11



Adv. Proc. No. 07-05156

**ORDER GRANTING MOTION FOR
PRELIMINARY INJUNCTION**

Date: November 26, 2007

Time: 10:00 a.m.

Court: Room 3020, Hon. Arthur Weissbrodt

UNITED STATES BANKRUPTCY COURT
Northern District of California
I certify that this is a true, correct and full copy
of the original document on file in my custody.
Dated Nov 29 2007
by [Signature]
Deputy Clerk

1 On November 26, 2007, the Court having previously issued a temporary restraining order
2 and an order to show cause re preliminary injunction, held a hearing in connection with the motion
3 filed by The Billing Resource, dba Integretel ("Integretel"), for a preliminary injunction against
4 the Federal Trade Commission ("FTC") and David R. Chase, not individually, but solely in his
5 capacity as receiver (the "Receiver"), preventing them from enforcing as to Integretel that certain
6 Omnibus Order entered on the docket on September 14, 2007 (the "Omnibus Order") in that
7 certain action captioned Federal Trade Commission v. Nationwide Connections, Inc., et al., Case
8 No. 06-80180-Civ-Ryskamp (the "Florida Action") pending in the United States District Court for
9 the Southern District of Florida (the "Florida Court") and that certain Order Granting Motion for
10 Clarification as to Scope of Stay entered on the docket by the Florida Court in the Florida Action
11 on September 21, 2007 (the "Clarification Order"), insofar as the Clarification Order relates to the
12 Omnibus Order. Appearances were as stated on the record. The Court incorporates herein its
13 Memorandum Decision re Order to Show Cause Regarding Preliminary Injunction filed and
14 entered on November 2, 2007 and further stated its findings of fact and conclusions of law on the
15 record at the hearings it held on November 16, 2007, November 21, 2007 and November 26, 2007. *

16 **GOOD CAUSE APPEARING**, it is hereby ordered as follows:

17 The FTC and the Receiver, and their officers, agents, servants, employees and attorneys
18 and upon those persons in active concert or participation with them who receive actual notice of
19 the order by personal service or otherwise, are hereby restrained and enjoined until further order of
20 this Court from seeking to implement or enforce in the Florida Court as to Integretel the Omnibus
21 Order or the Clarification Order, as it relates to the Omnibus Order, including without limitation
22 initiating, suggesting or participating in any proceedings to hold Integretel in contempt in
23 connection therewith, or otherwise seeking to compel Integretel to transfer any money or property
24 to the Receiver. The preliminary injunction issued herein does not affect or restrain the parties
25 from prosecuting and responding to appeals filed by Integretel from orders issued by the Florida
26 Court. The Court further orders that the Receiver shall submit any status reports that pertain to
27 Integretel to the Florida Court jointly with Integretel.

28 * See Exhibit "A"

1 Integretel is directed that it shall continue to maintain the sum of \$1,762,762.56 in the
2 blocked interest-bearing Debtor in Possession account to which they were transferred pursuant to
3 the terms and conditions of this Court's prior order entered on October 3, 2007, without prejudice
4 to the claims, rights, or defenses of any party, until further order of this Court.

5 ** END OF ORDER **
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EXHIBIT A

The Court also relies on Christopher Village, L.P. v. United States, 360 F.3d 1319 (Fed. Cir. 2004), previously referenced by this Court. In Christopher Village, the Federal Circuit held that the Court of Federal Claims had exclusive jurisdiction to adjudicate a breach of contract claim notwithstanding the fact that a district court and the Fifth Circuit had previously asserted jurisdiction over those claims. The Federal Circuit acknowledged the general rule that in most circumstances a judgment may not be collaterally attacked on the ground that the original tribunal lacked subject matter jurisdiction, even if the issue of subject matter jurisdiction has not been litigated in the first action. However, the Federal Circuit held that in an exception to that general rule includes situations where "[a]llowing the judgment to stand would substantially infringe the authority of another tribunal or agency of government," quoting Restatement (Second) of Judgments § 12(2) (1982), and citing to In re Bulldog Trucking, Inc. v. Productive Transp. Servs., Inc., 147 F.3d 347, 354 (4th Cir. 1998) and Sterling v. United States, 85 F.3d 1225, 1231 (7th Cir. 1996). Christopher Village, 360 F.3d at 1329-30. Here, under Christopher Village, where this Court has exclusive jurisdiction over determining what constitutes property of the bankruptcy estate, allowing the Clarification Order to determine Debtor's rights in property of the estate would both substantially infringe the authority of this Court and irreparably damage the Debtor and the Debtor's estate.

COURT SERVICE LISTOffice of the U.S. Trustee

Office of the U.S. Trustee

Attn: John Wesolowski, Esq.

280 South First Street, Room 268

San Jose, CA 95113

The Billing Resource dba Integretel

The Billing Resource dba Integretel

Attn: Ken Dawson

5883 Rue Ferrari

San Jose, CA 95138

Counsel for The Billing Resource dba Integretel

Sheppard, Mullin, Richter & Hampton LLP

Attn: Michael H. Ahrens, Esq.

4 Embarcadero Center, 17th Floor

San Francisco, CA 94111-4106

David R. Chase, Receiver

David R. Chase, Receiver for Access One Communications,

Inc. and Network One Services, Inc.

David R. Chase, P.A.

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Federal Trade Commission

Associate Director, Division of Marketing Practices

Federal Trade Commission, H-238

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2 Proposed Counsel for the Official Unsecured Creditors Committee

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4 Maxim Litvak, Esq.

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7 15th Floor

8 San Francisco, CA 94111-4500

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APPEAL

**U.S. Bankruptcy Court
Northern District of California (San Jose)
Adversary Proceeding #: 07-05156**

Assigned to: Judge Arthur S. Weissbrodt

Date Filed: 09/19/07

Related BK Case: 07-52890

Related BK Title: The Billing Resource

Related BK Chapter: 11

Demand:

Nature[s] of Suit: 91 Declaratory judgment

72 Injunctive relief - other

Plaintiff**The Billing Resource**

5883 Rue Ferrari

San Jose, CA 95138

Tax id: 33-0289863

represented by **Jeffrey K. Rehfeld**

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Steven B. Sacks

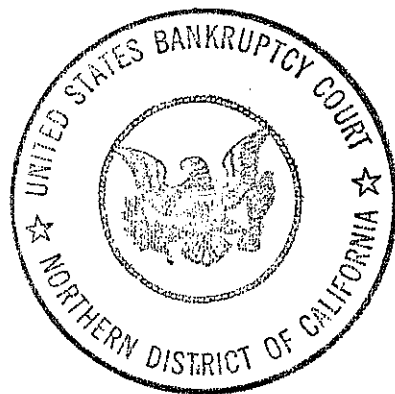
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UNITED STATES BANKRUPTCY COURT
Northern District of California
I certify that this is a true, correct and full copy
of the original document on file in my custody.
Dated Nov 29 2007
by [Signature]
Deputy Clerk

V.

Defendant**David R Chase, Defendant**

c/o Tew Cardenas LLP
 Attention Jeffrey C. Schneider
 Four Seasons Tower, 15th Floor
 1441 Brickell Avenue
 Miami, FL 33131-3407
 305-539-2481

represented by

Steven J. Schwartz

Danning, Gill, Diamond and Kollitz
 2029 Century Park E 3rd Fl.
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 Email: sschwartz@dgd.com

Federal Trade Commission, Defendant

c/o Laura Kim
 600 Pennsylvania Ave., N.W.
 Room H-238
 Washington, DC 20580
 202-326-3734

represented by **Julie A. Mack**

Federal Trade Commission
 600 Pennsylvania Ave. N.W.
 Washington, DC 20580
 (202) 326-2312
 Email: jmack@ftc.gov

Filing Date	#	Docket Text
09/19/2007	<u>1</u>	Adversary case <u>07-05156</u> . 91 (Declaratory judgment), 72 (Injunctive relief - other) Complaint by The Billing Resource against David R Chase, Federal Trade Commission. Fee Amount \$250. (Katz, Ori) (Entered: 09/19/2007)
09/19/2007		Receipt of filing fee for Complaint(07-05156) [cmp,cmp] (250.00). Receipt number 4643836, amount \$ 250.00 (U.S. Treasury) (Entered: 09/19/2007)
09/19/2007	<u>2</u>	Summons to be Issued on David R Chase, Federal Trade Commission (RE: related document(s) <u>1</u> Complaint filed by Plaintiff The Billing Resource). (Katz, Ori) (Entered: 09/19/2007)
09/19/2007	<u>3</u>	Adversary Cover Sheet (RE: related document(s) <u>1</u> Complaint filed by Plaintiff The Billing Resource). (Katz, Ori) (Entered: 09/19/2007)
09/20/2007	<u>4</u>	Summons Issued on David R Chase Answer Due 10/22/2007; Federal Trade Commission Answer Due 10/22/2007. (jd,) (Entered: 09/20/2007)
09/20/2007	<u>5</u>	Order for Telephonic Status Conference with Certificate of Service. . Status Conference to be held on 12/10/2007 at 02:15 PM at San Jose Courtroom 3020 - Weissbrodt. (jd,) (Entered: 09/20/2007)
09/24/2007	<u>6</u>	Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. (Attachments: # <u>1</u> Exhibit A

		- Proposed Order# <u>2</u> Memorandum of Points and Authorities # <u>3</u> Declaration of Neal Goldfarb# <u>4</u> Declaration of Ken Dawson) (Sacks, Steven) (Entered: 09/24/2007)
09/24/2007	<u>7</u>	Declaration of Steven B. Sacks in support of (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E) (Sacks, Steven) (Entered: 09/24/2007)
09/24/2007	<u>8</u>	Notice of Hearing (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order, filed by Plaintiff The Billing Resource, <u>7</u> Declaration, filed by Plaintiff The Billing Resource). Hearing scheduled for 9/26/2007 at 02:15 PM at San Jose Courtroom 3020 - Weissbrodt. Filed by Plaintiff The Billing Resource. (Sacks, Steven) (Entered: 09/24/2007)
09/25/2007	<u>9</u>	Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for Temporary Restraining Order</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Comission (Mack, Julie) ERROR: PDF CONTAINS MAIN BANKRUPTCY CASE NUMBER #07-52890. ADVERSARY PROCEEDING NUMBER NOT SHOWN ON PDF. . Modified on 9/26/2007 (er,). (Entered: 09/25/2007)
09/25/2007	<u>10</u>	Brief/Memorandum in Opposition to (Related Document(s): <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction and Declaratory Relief, Motion for Temporary Restraining Order). . Filed by Defendant David R Chase (Schwartz, Steven) ERROR: ADVERSARY PROCEEDING NUMBER INCORRECT ON PDF. CORRECTIVE ENTRY: COURT ADDED LINKAGE TO DOCUMENT #6 EMERGENCY MOTION FOR ORDER TO SHOW CAUSE, MOTION FOR PRELIMINARY INJUNCTION, MOTION FOR TEMPORARY RESTRAINING ORDER. Modified on 9/26/2007 (er,). (Entered: 09/25/2007)
09/25/2007	<u>11</u>	Certificate of Service (RE: related document(s) <u>8</u> Notice of Hearing,, <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,, <u>7</u> Declaration,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 09/25/2007)
09/26/2007	<u>12</u>	Certificate of Service of <i>Federal Trade Commission's Opposition to Debtor's Emergency Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Declaratory Relief</i> (RE: related document(s) <u>9</u> Opposition Brief/Memorandum,). (Mack, Julie) (Entered: 09/26/2007)

09/26/2007	●	Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing to be held on 10/2/2007 at 2:00 PM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> ,any additional pleadings by plaintiff to be filed NLT 12:00 PM on 9/28/07, any response due NLT 3:00 PM 10/1/07. (tb,) (Entered: 09/26/2007)
09/28/2007	● <u>13</u>	Memorandum of Points and Authorities in Support of <i>Supplemental Memorandum In Support Of Request For Temporary Restraining Order And Order To Show Cause Re: Preliminary Injunction And Declaratory Relief</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Supplemental Declaration Of Ken Dawson# <u>2</u> Certificate of Service) (Sacks, Steven) (Entered: 09/28/2007)
09/28/2007	● <u>14</u>	Summons Service Executed on David R Chase 9/28/2007; Federal Trade Comission 9/28/2007 ; <i>Tew Cardenas LLP</i> 9/29/2007; <i>Danning, Gill, Diamond & Kollitz LLP</i> 9/28/2007; <i>US Attorney for FTC-San Jose</i> 9/28/2007; and <i>US Attorney for FTC, San Francisco</i> , 9/28/2007. (Attachments: # <u>1</u> Certificate of Service) (Rehfeld, Jeffrey) (Entered: 09/28/2007)
09/28/2007	● <u>15</u>	Supplemental Certificate of Service of <i>Summons and Notice of Telephonic Status Conference in Adversary Proceeding; Complaint for Declaratory Relief, Temporary Restraining Order, and Preliminary Injunction; Adversary Cover Sheet; Order Setting Telephonic CMC in San Jose; and Bankruptcy Dispute Resolution Program Information Sheet</i> (RE: related document(s) <u>14</u> Summons Service Executed, <u>1</u> Complaint, <u>3</u> Adversary Cover Sheet, <u>5</u> Order for Telephonic Status Conference with Certificate of Service). Filed by Plaintiff The Billing Resource (Rehfeld, Jeffrey) CORRECTIVE ENTRY: COURT MODIFIED THE DOCKET TEXT AND ADDED LINKAGE TO THE DOCUMENTS LISTED AS BEING SERVED. Modified on 10/1/2007 (cvt,). (Entered: 09/28/2007)
09/29/2007	● <u>16</u>	Corrected Certificate of Service of <i>Supplemental Memorandum in Support of Request for TRO and Supplemental Declaration of K. Dawson</i> (RE: related document(s) <u>13</u> Memo of Points & Authorities,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 09/29/2007)
09/30/2007	● <u>18</u>	Order Not Signed Regarding Motion to Show Cause (Related Doc # <u>6</u>), Not Signed Regarding Motion for Preliminary Injunction (Related Doc # <u>6</u>), Not Signed Regarding Motion for Temporary Restraining Order (Related Doc # <u>6</u>) (cvt,) (Entered: 10/02/2007)

10/01/2007	● <u>17</u>	Supplemental Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for TRO</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Commission (Attachments: # <u>1</u> Declaration of Laura Kim# <u>2</u> Declaration Exhibits A-K# <u>3</u> Declaration Exhibits L-N) (Mack, Julie) (Entered: 10/01/2007)
10/02/2007	●	Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction and <i>Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Temporary Restraining Order denied, Hearing on Preliminary Injunction to be held on 10/17/2007 at 2:00 PM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> ; plaintiff to file by noon on 10/12/07, defendant to respond by noon on 10/15/07. (tb,) (Entered: 10/04/2007)
10/03/2007	● <u>19</u>	Transcript, Date of Hearing: Sep. 26, 2007 <i>emergency motion for TRO, etc.</i> (Palmer, Susan) (Entered: 10/03/2007)
10/04/2007	● <u>20</u>	Certificate of Service <i>Federal Trade Commission's Supplemental Opposition to Debtor's Emergency Motion for Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction and Declaratory Relief</i> (RE: related document(s) <u>17</u> Opposition Brief/Memorandum,). Filed by Defendant Federal Trade Commission (Mack, Julie) (Entered: 10/04/2007)
10/04/2007	● <u>21</u>	BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>18</u> Order on Motion to Show Cause, Order on Motion for Preliminary Injunction, Order on Motion for Temporary Restraining Order). Service Date 10/04/2007. (Admin.) (Entered: 10/04/2007)
10/10/2007	● <u>22</u>	Order Denying Motion for Temporary Restraining Order (Related Doc # <u>6</u>) (aw,) (Entered: 10/11/2007)
10/12/2007	● <u>23</u>	Memorandum of Points and Authorities in Support of <i>Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,, <u>13</u> Memo of Points & Authorities,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Declaration of Ken Dawson# <u>2</u> Exhibit 1 to Dawson Declaration# <u>3</u> Exhibit 2 to Dawson Declaration# <u>4</u> Exhibit 3 to Dawson Declaration# <u>5</u> Declaration of Paul Weber# <u>6</u> Exhibit A to Weber Declaration# <u>7</u> Exhibit B to Weber Declaration# <u>8</u> Exhibit C to Weber Declaration) (Katz, Ori) (Entered: 10/12/2007)
10/12/2007	● <u>24</u>	Transcript, Date of Hearing: Oct. 2, 2007 <i>emergency motion on TRO and order to show cause.</i> (Palmer, Susan) (Entered: 10/12/2007)

10/12/2007	<u>25</u>	First Request To Take Judicial Notice of <i>Federal Receiver in Response to Order to Show Cause Re: Preliminary Injunction</i> . Filed by Defendant David R Chase (Attachments: # <u>1</u> Appendix # <u>2</u> Appendix # <u>3</u> Appendix # <u>4</u> Appendix # <u>5</u> Appendix # <u>6</u> Appendix # <u>7</u> Appendix # <u>8</u> Appendix # <u>9</u> Appendix # <u>10</u> Appendix) (Schwartz, Steven) ERROR: EXHIBITS SHOULD BE AN ATTACHMENT. Modified on 10/15/2007 (aw,). (Entered: 10/12/2007)
10/12/2007	<u>26</u>	Certificate of Service (RE: related document(s) <u>23</u> Memo of Points & Authorities,,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 10/12/2007)
10/13/2007	<u>27</u>	BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>22</u> Order on Motion for Temporary Restraining Order). Service Date 10/13/2007. (Admin.) (Entered: 10/13/2007)
10/15/2007	<u>28</u>	Brief/Memorandum in Opposition to <i>Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/15/2007)
10/15/2007	<u>29</u>	Supplemental Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Comission (Attachments: # <u>1</u> Declaration of Collot Guerard# <u>2</u> Declaration Exhibits A-E) (Mack, Julie) ERROR: WRONG EVENT CODE SELECTED. Modified on 10/16/2007 (aw,). (Entered: 10/15/2007)
10/15/2007	<u>30</u>	Certificate of Service (RE: related document(s) <u>28</u> Opposition Brief/Memorandum,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/15/2007)
10/15/2007	<u>31</u>	Certificate of Service (RE: related document(s) <u>25</u> Request To Take Judicial Notice,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/15/2007)
10/15/2007	<u>32</u>	Certificate of Service of <i>Federal Receiver's Second Supplemental Opposition to Motion for Authority to Use Cash Collateral; Memorandum of Points and Authorities</i> . Filed by Defendant David R Chase (Schwartz, Steven) ERROR: LINKAGE. FYI: COURT UNABLE TO ADD LINKAGE DUE TO LOCATING PLEADING TITLED SECOND SUPPLEMENTAL OPPOSITION ON COURT DOCKET. Modified on 10/16/2007 (aw,). (Entered: 10/15/2007)

10/17/2007	●	Courtroom Hearing Held (RE: multi-part motion - related document(s) <u>6</u>) (Under submission; the status conference to be held in the main case (07-52890) is continued from 10/26/07 at 2:00 PM to 11/2/07 at 1:00 PM.)(tb,) (Entered: 10/18/2007)
10/19/2007	● <u>33</u>	Motion to Dismiss Adversary Proceeding <i>Motion of Federal Receiver to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)</i> Filed by Defendant David R Chase. (Schwartz, Steven) (Entered: 10/19/2007)
10/19/2007	● <u>34</u>	Memorandum of Points and Authorities in of <i>Federal Receiver in Support of Motion to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)</i> (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 10/19/2007)
10/19/2007	● <u>35</u>	Second Request To Take Judicial Notice of <i>Federal Receiver Pursuant to FRE Rule 201(d) in Support of Motion to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)</i> (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding). Filed by Defendant David R Chase (Attachments: # <u>1</u> Appendix) (Schwartz, Steven) (Entered: 10/19/2007)
10/19/2007	● <u>36</u>	Notice of Hearing (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding filed by Defendant David R Chase). Hearing scheduled for 11/27/2007 at 03:00 PM at San Jose Courtroom 3020 - Weissbrodt. Filed by Defendant David R Chase. (Schwartz, Steven) (Entered: 10/19/2007)
10/19/2007	● <u>37</u>	Certificate of Service of <u>36</u> <i>Notice Of Hearing On Motion Of Federal Receiver To Dismiss Complaint Pursuant To Frcp Rule 12(B)(1)</i> ; <u>33</u> <i>Motion Of Federal Receiver To Dismiss Complaint Pursuant To FRCP Rule 12(B)(1)</i> ; <u>34</u> <i>Memorandum Of Points And Authorities In Support Of Motion Of Federal Receiver To Dismiss Complaint Pursuant To FRCP Rule 12(B)(1)</i> ; <u>35</u> <i>Second Request Of Federal Receiver Pursuant To FRE Rule 201(d) For Judicial Notice In Support Of Motion Of Federal Receiver To Dismiss Complaint Pursuant To FRCP Rule 12(B)(1)</i> . Filed by Defendant David R Chase (Schwartz, Steven) ERROR: LINAKGE. CORRECTIVE ENTRY: COURT ADDED LINKAGE AND MODIFIED DOCKET TEXT. Modified on 10/22/2007 (aw,). (Entered: 10/19/2007)
10/23/2007	● <u>38</u>	Certificate of Service (RE: related document(s) <u>29</u> Opposition Brief/Memorandum,). Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 10/23/2007)
10/24/2007	● <u>39</u>	Answer to Complaint of <i>Debtor for Declaratory and Injunctive Relief</i> Filed by Federal Trade Comission. (Attachments: # <u>1</u> Certificate of Service)(Mack, Julie) (Entered: 10/24/2007)

10/28/2007	● <u>40</u>	Transcript, Date of Hearing: Oct. 17, 2007 <i>plaintiff's motion</i> . (Palmer, Susan) (Entered: 10/28/2007)
11/02/2007	● <u>41</u>	Memorandum Decision RE: Order To Show Cause Regarding Preliminary Injunction (RE: related document(s) <u>6</u> Motion for Order to Show Cause Motion for Preliminary Injunction Motion for Temporary Restraining Order filed by Plaintiff The Billing Resource). (Attachments: # <u>1</u> Part II -Pages 41-64) (aw,) (Entered: 11/02/2007)
11/04/2007	● <u>42</u>	BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>41</u> Memorandum Decision,). Service Date 11/04/2007. (Admin.) (Entered: 11/04/2007)
11/05/2007	●	Emergency Hearing Set On (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing scheduled for 11/5/2007 at 04:30 PM at San Jose Courtroom 3020 - Weissbrodt. (tb,) (Entered: 11/06/2007)
11/05/2007	●	Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. The Court grants a TRO effective immediately with Plaintiff preparing an order reviewed by counsel for the FTC and The Receiver and will issue an OSC as to why a preliminary injunction should not issue; the Hearing is to be held on 11/16/2007 at 10:00 AM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> , plaintiff to file by 6 PM PST on 11/7/07, defendants by 6 PM PST on 11/9/07, with a reply due by 6 PM PST on 11/13/07. The Debtor and The Receiver should file a joint report with the District Court. (tb,) (Entered: 11/06/2007)
11/06/2007	● <u>43</u>	Objection to <i>Integretel's Form of Proposed Order Granting Temporary Restraining Order and Order To Show Cause re Preliminary Injunction</i> . Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/06/2007)
11/07/2007	● <u>44</u>	Response to <i>Receiver's Objection to Proposed Form of Order Granting Temporary Restraining Order</i> (RE: related document(s) <u>43</u> Objection). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/07/2007)
11/07/2007	● <u>45</u>	Certificate of Service (RE: related document(s) <u>44</u> Response). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/07/2007)
11/07/2007	● <u>46</u>	Certificate of Service (RE: related document(s) <u>43</u> Objection). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/07/2007)

11/07/2007	● <u>47</u>	Memorandum of Points and Authorities in Support of (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Declaration of Steven B. Sacks) (Sacks, Steven) (Entered: 11/07/2007)
11/07/2007	● <u>48</u>	Certificate of Service (RE: related document(s) <u>47</u> Memo of Points & Authorities,). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/07/2007)
11/07/2007	● <u>49</u>	Order Granting Motion for Preliminary Injunction (Related Doc # <u>6</u>) (aw,) (Entered: 11/08/2007)
11/08/2007	● <u>50</u>	Notice of Appeal to District Court , Fee Amount \$ 255. (RE: related document(s) <u>49</u> Order on Motion for Preliminary Injunction). Appellant Designation due by 11/19/2007. Transmission to District Court due by 12/10/2007. (Attachments: # <u>1</u> Exhibit A) Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 11/08/2007)
11/08/2007	● <u>51</u>	Statement of Election to District Court, (RE: related document(s) <u>50</u> Notice of Appeal, filed by Defendant Federal Trade Comission). Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 11/08/2007)
11/09/2007	● <u>52</u>	Third Request To Take Judicial Notice <i>in Response to Order to Show Cause Why Preliminary Injunction Should Not Be Issued</i> . Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/09/2007)
11/09/2007	● <u>53</u>	Courts Certificate of Mailing. Number of notices mailed: 7 (RE: related document(s) <u>50</u> Notice of Appeal,). (tm,) (Entered: 11/09/2007)
11/09/2007	● <u>54</u>	Transmittal of Record on Appeal to District Court (RE: related document(s) <u>50</u> Notice of Appeal filed by Defendant Federal Trade Comission). (tm,) (Entered: 11/09/2007)
11/09/2007	● <u>55</u>	Supplemental Brief/Memorandum in Opposition to <i>Debtor's Emergency Motion for Preliminary Injunction as to Contempt Proceeding</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 11/09/2007)
11/09/2007	● <u>56</u>	Response to <i>Federal Receiver's Response to Order to Show Cause Why Preliminary Injunction Should Not Be Issued; Memorandum of Points and Authorities in Support Thereof</i> (RE: related document(s) <u>41</u> Memorandum Decision,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/09/2007)

11/10/2007	<u>57</u>	BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>49</u> Order on Motion for Preliminary Injunction). Service Date 11/10/2007. (Admin.) (Entered: 11/10/2007)
11/13/2007	<u>58</u>	Reply to <i>Debtor's Reply in Support of Motion for Preliminary Injunction</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Certificate of Service) (Sacks, Steven) ERROR: INCORRECT LINKAGE. CORRECTIVE ENTRY: COURT REMOVED INCORRECT LINKAGE AND MODIFIED DOCKET TEXT TO SHOW CORRECT LINKAGE. Modified on 11/14/2007 (aw,). (Entered: 11/13/2007)
11/13/2007	<u>59</u>	Memorandum of Points and Authorities in Opposition of <i>The Billing Resource, dba Integretel</i> (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding). Filed by Plaintiff The Billing Resource (Attachments: # <u>1</u> Certificate of Service) (Sacks, Steven) (Entered: 11/13/2007)
11/14/2007	<u>60</u>	Transcript, Date of Hearing: 11-5-07 <i>Emergency Hearing re Motion for Restraining Order to Stay Enforcement of Omnibus Order by Plaintiff, The Billing Resource dba Integretel, a California corporation.</i> (McCall, Jo) (Entered: 11/14/2007)
11/14/2007	<u>61</u>	Notice Regarding <i>Notice of Errata Re: Federal Receiver's Response To Order To Show Cause Why Preliminary Injunction Should Not Be Issued; Memorandum Of Points And Authorities In Support Thereof</i> (RE: related document(s) <u>56</u> Response, filed by Defendant David R Chase). Filed by Defendant David R Chase. (Schwartz, Steven) (Entered: 11/14/2007)
11/14/2007	<u>62</u>	Certificate of Service (RE: related document(s) <u>52</u> Request To Take Judicial Notice, <u>56</u> Response,). Filed by Defendant David R Chase (Schwartz, Steven) (Entered: 11/14/2007)
11/14/2007	<u>69</u>	Notice of Docketing Record on Appeal to District Court. Case Number: C07-05758-RMW RE: related document(s) <u>50</u> Notice of Appeal filed by Defendant Federal Trade Comission). (aw,) (Entered: 11/21/2007)
11/16/2007	<u>63</u>	Order Granting Temporarily Restraining Order to Show Cause RE: Motion to Show Cause (Related Doc # <u>6</u>) (aw,) (Entered: 11/16/2007)
11/16/2007	<u>6</u>	Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing to be held on 12/7/2007 at 10:00 AM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> , the Court issues a temporary restraining order through 12/6/07 (if the Court doesn't have

		authority to issue successive 20 day TROs, parties to file a brief by 5 PM on 11/19/07). (tb,) (Entered: 11/20/2007)
11/18/2007	● <u>64</u>	BNC Certificate of Mailing - Electronic Order (RE: related document(s) <u>63</u> Order on Motion to Show Cause). Service Date 11/18/2007. (Admin.) (Entered: 11/18/2007)
11/19/2007	● <u>65</u>	Appellant Designation of Contents For Inclusion in Record On Appeal <i>and</i> , Statement of Issues on Appeal, <i>and Certificate of Service</i> (RE: related document(s) <u>50</u> Notice of Appeal, filed by Defendant Federal Trade Comission). Appellee designation due by 11/29/2007. Filed by Defendant Federal Trade Comission (Mack, Julie) (Entered: 11/19/2007)
11/19/2007	● <u>66</u>	Objection <i>Post-Hearing Objection to Duration of (Or Alternatively, Motion to Modify) Temporary Restraining Order as to Contempt Proceeding</i> (RE: related document(s) <u>6</u> Motion for Order to Show Cause,, Motion for Preliminary Injunction,, Motion for Temporary Restraining Order,). Filed by Defendant Federal Trade Comission (Attachments: # <u>1</u> Certificate of Service) (Mack, Julie) (Entered: 11/19/2007)
11/20/2007	● <u>67</u>	Notice of Continued Hearing (RE: related document(s) <u>33</u> Motion to Dismiss Adversary Proceeding filed by Defendant David R Chase). Hearing to be held on 12/7/2007 at 10:30 AM San Jose Courtroom 3020 - Weissbrodt for <u>33</u> , Filed by Defendant David R Chase. (Schwartz, Steven) (Entered: 11/20/2007)
11/21/2007	● <u>68</u>	Certificate of Service <i>Notice of Continuance of Hearing on Motion of Federal Receiver to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1) Documents</i> (Related Document(s): <u>33</u> Motion of Federal Receiver to Dismiss Complaint Pursuant to FRCP Rule 12(b)(1)). (Schwartz, Steven) CORRECTIVE ENTRY: COURT ADDED LINKAGE TO DOCUMENT #33 MOTION TO DISMISS COMPLAINT. Modified on 11/26/2007 (er,). (Entered: 11/21/2007)
11/21/2007	●	Hearing Set (per chambers request) On (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing scheduled for 11/21/2007 at 02:00 PM at San Jose Courtroom 3020 - Weissbrodt. (tb,) (Entered: 11/21/2007)
11/21/2007	●	Hearing Continued (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing to be held on 11/26/2007 at 2:00 PM San Jose Courtroom 3020 - Weissbrodt for <u>6</u> , the FTC consents to the current TRO continuing in effect through COB on Monday, Nov. 26, 2007.

		(tb,) (Entered: 11/21/2007)
11/26/2007	●	Hearing Held (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. (tb,) The Court read its Findings of Fact and Conclusions of Law orally into the record; the debtor/plaintiff is directed not to let the funds out of California and they must be kept in a blocked, interest bearing account pending further order of the Court; the FTC and Receiver are enjoined from pursuing contempt proceedings, this order is effective immediately. The FTC and Receiver's request for a stay of the injunction is denied. The Preliminary Injunction currently set for 12/7/07 at 10:30 is off calendar. Debtor/Plaintiff to notice a motion to amend the complaint for 12/7/07 at 10:30, pleadings to go out by 11/27/07, a response due by 12/3/07 and reply due 12/4/07, parties to file a joint statement by noon on 12/5/07, Ms. Diemer for POL is to be served with all pleadings. Modified on 11/27/2007 (tb,). (Entered: 11/27/2007)
11/27/2007	●	Hearing Set (by the court to clarify findings of fact read into record on 11/26/07) On (RE: related document(s) <u>6</u> Emergency Motion for Order to Show Cause RE: , Motion for Preliminary Injunction <i>and Declaratory Relief</i> , Motion for Temporary Restraining Order Filed by Plaintiff The Billing Resource. Hearing scheduled for 11/27/2007 at 11:00 AM at San Jose Courtroom 3020 - Weissbrodt. (tb,) (Entered: 11/27/2007)
11/27/2007	● <u>70</u>	Motion to Amend <i>Debtor's Motion for Leave to File an Amended Complaint</i> Filed by Plaintiff The Billing Resource. (Attachments: # <u>1</u> Declaration Steven B. Sacks) (Sacks, Steven) (Entered: 11/27/2007)
11/27/2007	● <u>71</u>	Notice of Hearing <i>re Debtor's Motion for Leave to File an Amended Complaint</i> (RE: related document(s) <u>70</u> Motion to Amend filed by Plaintiff The Billing Resource). Hearing scheduled for 12/7/2007 at 10:30 AM at San Jose Courtroom 3020 - Weissbrodt. Filed by Plaintiff The Billing Resource. (Sacks, Steven) (Entered: 11/27/2007)
11/27/2007	●	Courtroom Hearing Held (RE: Motion for Order to Show Cause - related document(s) <u>6</u>) (The Court issues an amended injunction enjoining the Receiver from pursuing the contempt proceeding; parties to file briefs re the issue of a back-up order: Plaintiff/debtor to file by 3 PM PST 11/30/07 and defendants to respond NLT 3 PM 12/5/07.) (tb,) (Entered: 11/27/2007)
11/27/2007	● <u>72</u>	Certificate of Service (RE: related document(s) <u>71</u> Notice of Hearing,, <u>70</u> Motion to Amend). Filed by Plaintiff The Billing Resource (Sacks, Steven) (Entered: 11/27/2007)
11/28/2007	● <u>73</u>	Transcript, Date of Hearing: 11-16-07a) <i>Motion for Order to Show Cause Regarding Preliminary Injunction re Order to Stay Enforcement of</i>

		<i>Omnibus Order; b) Supplemental Opposition by Federal Trade Commission; c) Response by David R. Chase. (McCall, Jo) (Entered: 11/28/2007)</i>
11/28/2007	● <u>74</u>	Notice of Appeal to District Court <i>of Preliminary Injunction re Contempt Proceeding per 11/27/2007 Hearing</i> , Fee Waived. Appellant Designation due by 12/10/2007. Transmission to District Court due by 12/28/2007. (Attachments: # <u>1</u> Exhibit A) Filed by Defendant Federal Trade Commission (Mack, Julie) (Entered: 11/28/2007)
11/28/2007	● <u>75</u>	Statement of Election to District Court, <i>of Appeal of Preliminary Injunction re Contempt per 11/27/2007 Hearing and Certificate of Service</i> (RE: related document(s) <u>74</u> Notice of Appeal, filed by Defendant Federal Trade Commission). Filed by Defendant Federal Trade Commission (Mack, Julie) (Entered: 11/28/2007)
11/28/2007	● <u>76</u>	Order Granting Motion For Preliminary Injunction (Related Doc # <u>6</u>) (aw,) (Entered: 11/28/2007)